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6 888 South Figueroa Street, Fifteenth Floor  
7 Los Angeles, California 90017  
8 Telephone: (213) 362-1860  
9 Facsimile: (213) 362-1861

10 Attorneys for Defendant  
11 CREATE NEW TECHNOLOGY (HK) CO. LTD.

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 WESTERN DIVISION

15 CHINA CENTRAL TELEVISION, A  
16 China company; ET AL.,

17 Plaintiffs,

18 vs.

19 CREATE NEW TECHNOLOGY  
20 (HK) LIMITED, a Hong Kong  
21 Company, ET AL.,

22 Defendants.

Case No. CV 15-1869 MMM (AJWx)

Assigned for all purposes to:  
Honorable Margaret M. Morrow

DECLARATION OF B. WARLICK IN  
SUPPORT OF MOTION TO  
WITHDRAW AS COUNSEL FOR  
DEFENDANT CREATE NEW  
TECHNOLOGY (HK) CO. LTD.

DATE: June 29, 2015  
TIME: 10:00 AM  
PLACE: Courtroom 780

YOUNG, ZINN & BATE LLP  
888 SOUTH FIGUEROA STREET, FIFTEENTH FLOOR  
LOS ANGELES, CALIFORNIA 90017

1 I, Benjamin J. Warlick, declare as follows:

2 1. I am an associate at the law firm of Morris, Manning & Martin LLP,  
3 attorney for Defendant Create New Technology (HK) Co. Ltd. ("Create") in the  
4 above-captioned litigation. I submit this declaration because counsel that have made  
5 appearances in this case, Harry A. Zinn and Lester F. Aponte, do not have personal  
6 knowledge of these facts. I have personal knowledge of the facts set forth below  
7 and if called upon as a witness, I could and would testify competently thereto.

8 2. With the exception of one direct call with Create, Create's U.S. counsel  
9 has communicated with Create through an independent, intermediary local China  
10 counsel Annie Ma, with the law firm King & Future IP Consultancy Limited. U.S.  
11 counsel has repeatedly requested direct communications, but Create has declined.  
12 By all appearances, China counsel was diligent and faithful in her role as  
13 intermediary.

14 3. Attached hereto as Exhibit 1 is a true and correct copy of an executed  
15 Consent and Approval to this Motion by Create ("Consent and Approval"), dated  
16 April 10, 2015.

17 4. On April 10, 2015, U.S. counsel provided written notice to Create,  
18 through China counsel, of the consequences of Create's inability to proceed *pro se*.

19 5. On April 10, 2015, U.S. counsel provided written notice to Create,  
20 through China counsel, of the consequences of Create's directive to U.S. counsel to  
21 cease all work in this matter.

22 6. In correspondence through Create's China counsel on April 13, 2015,  
23 Create has confirmed that it will not file an answer or otherwise respond on April 22  
24 and will not respond to Plaintiffs' motion for preliminary injunction (Doc. No. 23).

25 7. On February 17, 2015, Plaintiffs in the related case *Munhwa*  
26 *Broadcasting Corp. v. Create New Technology (HK) Co. Ltd.*, CV14-4213-RGK-  
27 RZx (C.D. Cal.) served written discovery requests on Create, including requests for  
28 production, interrogatories, and requests for admission. On March 27, 2015, Create

1 timely served responses to those discovery requests along with a production of  
2 documents.

3 8. On February 20, 2015, Create's U.S. counsel sent a memorandum to  
4 Create, through China counsel, summarizing and explaining the *Munhwa*  
5 *Broadcasting* written discovery requests and asking that the local counsel assist in  
6 collecting the enumerated discovery.

7 9. Between February 20, 2015, and April 6, 2015, Create's U.S. counsel  
8 sent 30 emails and made 18 international calls to Create's local China counsel to  
9 supervise China counsel's efforts to comply with the *Munhwa Broadcasting*  
10 Plaintiffs' discovery requests. This effort included translation of detailed written  
11 instructions as well as multiple detailed discussions in Chinese to ensure that  
12 plaintiffs' requests and Create's obligations under plaintiffs' requests were fully  
13 understood by Create's local China counsel. U.S. counsel's understanding is that  
14 China counsel was diligent and faithful in conveying these instructions to Create.

15 10. On March 18, 2015, U.S. counsel received from Create, through China  
16 counsel, a copy of the February 20 *Munhwa Broadcasting* memorandum with  
17 annotations answering some of the questions raised in the memorandum. U.S.  
18 counsel also received a very limited set of documents. In response, U.S. counsel  
19 further annotated the memorandum with requests for additional information and  
20 documents, and sent this memorandum to Create, through China counsel, on March  
21 21, 2015. Create provided some additional information and documents, but did not  
22 adequately explain why other documents and information were not provided despite  
23 repeated follow up efforts by U.S. Counsel.

24 11. Prior to March 6, 2015, Create, through China counsel, provided  
25 confirmations by phone and email to U.S. counsel that Mr. Wenwei Zhang would  
26 apply for a U.S. visa to attend *Munhwa Broadcasting* depositions in Atlanta on  
27 April 1 and 2, 2015. On March 6, U.S. counsel confirmed with plaintiffs that Mr.  
28 Zhang would be available for a deposition in Atlanta on those dates. Several times

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1 after March 6, U.S. counsel reminded Create, through China counsel, of the  
2 upcoming deposition. It was not until March 30, 2015, that Create, through China  
3 counsel, informed U.S. counsel for the first time that Mr. Zhang's US visa  
4 application had not been granted for his travel. Create's U.S. counsel immediately  
5 informed plaintiffs.

6 12. On Monday, April 13, 2015, Magistrate Judge Zarefsky granted  
7 granted *Munhwa Broadcasting* plaintiffs' *Ex Parte* Application to compel certain  
8 discovery by April 15. (CV14-4213, Doc. No. 170.)

9 13. U.S. counsel has and will continue to provide Create with notice of  
10 Court filings in the *Munhwa Broadcasting* case and this case, including M.J.  
11 Zarefsky's order granting Plaintiffs' *Ex Parte* Application in the *Munhwa*  
12 *Broadcasting* case (CV14-4213, Doc. No. 171). As of this date, Create has not  
13 provided any of the ordered discovery or instructed its counsel to respond to the  
14 order.

15 14. Create's preferred contact address is: Room D, 10/F, Tower A, Billion  
16 Centre, 1 Wang Kwong Road, Kowloon Bay, Kowloon, Hong Kong.

17 15. On Thursday, April 9, 2015, notice of the substance of this motion was  
18 given to Plaintiffs. On April 13, 2015, Mr. Jeff Lee, Esq., made an appearance on  
19 behalf of HongHui Chen. On April 14, 2015, U.S. counsel sent an email regarding  
20 the substance of this motion to Mr. Jeff Lee, Esq. No other party has made an  
21 appearance as of the filing of this motion.

22  
23 I declare under penalty of perjury under the laws of the United States of  
24 America that the forgoing is true and correct.

25 Executed this 17<sup>th</sup> day of April, 2015, at Atlanta, Georgia.

26   
27 Benjamin J. Warlick  
28

**EXHIBIT 1**

YOUNG, ZINN & BATE LLP  
888 SOUTH FIGUEROA STREET, FIFTEENTH FLOOR  
LOS ANGELES, CALIFORNIA 90017

1 Harry A. Zinn (SBN 116397)  
2 Lester F. Aponte (SBN 143692)  
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4 YOUNG, ZINN & BATE LLP  
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9 Attorneys for Defendant  
10 CREATE NEW TECHNOLOGY (HK) CO. LTD.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

14 CHINA CENTRAL TELEVISION, A  
15 China company; CHINA  
16 INTERNATIONAL  
17 COMMUNICATIONS, CO., LTD., a  
18 China company; TVB HOLDINGS  
(USA), INC., a California corporation;  
and DISH NETWORK L.L.C. a  
Colorado limited liability company,

19 Plaintiffs,

20 vs.

21 CREATE NEW TECHNOLOGY  
22 (HK) LIMITED, a Hong Kong  
23 Company, HUA YANG  
24 INTERNATIONAL TECHNOLOGY  
25 LIMITED, a Hong Kong Company,  
26 SHENZHEN GREATVISION  
27 NETWORK TECHNOLOGY CO.,  
28 LTD., a China company, CLUB  
TVPAD, INC., a California  
corporation; BENNETT WONG, an  
individual; ASHA MEDIA GROUP

Case No. CV 15-1869 MMM (AJWx)

Assigned for all purposes to:  
Honorable Margaret M. Morrow

**CONSENT AND APPROVAL BY  
CREATE NEW TECHNOLOGY (HK)  
CO. LTD. TO THE MOTION TO  
WITHDRAW AS COUNSEL**

CONSENT AND APPROVAL BY CREATE

YOUNG, ZINN & BATE LLP  
888 SOUTH FIGUEROA STREET, FIFTEENTH FLOOR  
LOS ANGELES, CALIFORNIA 90017

1 INC. d/b/a TVPAD.COM, a Florida  
2 corporation; AMIT BHALLA, an  
3 individual; NEWTPAD LTD.  
4 COMPANY d/b/a NEWTPAD.COM  
5 a/k/a TVPAD USA, a Texas  
6 corporation; LIANGZHONG ZHOU,  
7 an individual; HONGHUI CHEN  
8 d/b/a/ E-DIGITAL, an individual;  
9 JOHN DOE 1 d/b/a BETV; JOHN  
10 DOE 2 d/b/a YUE HAI; JOHN DOE 3  
11 d/b/a 516; JOHN DOE 4 d/b/a HITV;  
12 JOHN DOE 5 d/b/a GANG YUE;  
13 JOHN DOE 6 d/b/a SPORT ONLINE;  
14 JOHN DOE 7 d/b/a GANG TAI WU  
15 XIA; and JOHN DOES 8-10,

Defendants.

CONSENT AND APPROVAL BY CREATE

YOUNG, ZINN & BATE LLP  
888 SOUTH FIGUEROA STREET, FIFTEENTH FLOOR  
LOS ANGELES, CALIFORNIA 90017

1 Defendant Create New Technology (HK) Co. Ltd. ("Create") has instructed  
2 attorneys Harry A. Zinn and Lester F. Aponte with the law firm Young, Zinn & Bate  
3 LLP to cease all work in this matter.

4 Defendant Create has been instructed that it may not proceed *pro se*, and has  
5 been given written notice of the consequences of its inability to appear *pro se*.

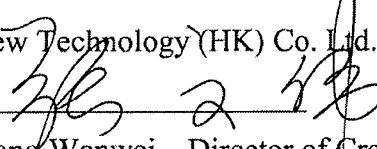
6 Defendant Create's last known address is:

7 Room D,10/F,TowerA,Billion Centre  
8 1WangKwong Road,Kowloon Bay  
9 Kowloon,HongKong

10 Create hereby consents to the withdrawal of attorneys Harry A. Zinn and  
11 Lester F. Aponte with the law firm Young, Zinn & Bate in the above-styled matter.

13 CONSENT AND APPROVAL:

14 Create New Technology (HK) Co. Ltd.

15 By:   
16 Zhang Wenwei – Director of Create  
17 New Technology (HK) Co. Ltd.

18 Dated: 10th April 2015



**PROOF OF SERVICE**

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of 18 and not a party to the within action. My business address is 888 S. Figueroa Street, 15<sup>th</sup> Floor, Los Angeles, California 90017.

On April 17, 2015, I hereby certify that I electronically filed the foregoing document described as **DECLARATION OF B. WARLICK IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT CREATE NEW TECHNOLOGY (HK) CO. LTD.** with the Clerk of the Court for the United States District Court, Central District of California. Participants in the case who are registered users will be served by the CM/ECF system, electronically transmitted on the following interested parties in this action at the emails addressed below:

Carla A. McCauley, Esq.  
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Email: [jflee@ltpacificlaw.com](mailto:jflee@ltpacificlaw.com)

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 17, 2015, at Los Angeles, California.

  
Patty Flores